

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: : Bankruptcy No. 18-70870-JAD
:
LARRY FREDERICK and : Chapter 11
SHARON FREDERICK :
Debtors. :

HOMETOWN BANK OF :
PENNSYLVANIA : Hearing Date:
:
Movant :
:
v. : Hearing Time:
:
LARRY FREDERICK and : Chapter 11
SHARON FREDERICK :
:
Respondents :

**MOTION FOR RELIEF
FROM AUTOMATIC STAY**

AND NOW, comes HOMETOWN BANK OF PENNSYLVANIA, by and through its attorneys, Kaminsky, Thomas, Wharton, Lovette & Vigna, and files the within Motion for Relief From Automatic Stay provision of Section 362 of the United States Bankruptcy Code, and in support thereof, states the following:

1. The above-named Debtors, Larry Frederick and Sharon Frederick, filed a petition under Chapter 11 of the Bankruptcy Code with this Court under the above case number on December 20, 2018.
2. Movant, HOMETOWN BANK OF PENNSYLVANIA, is the holder of a secured claim against Debtors, secured by a mortgage against real property known as 3871 Cove Mountain Road, Martinsburg, PA 16662 consisting of two tax parcels

having map numbers 20-9-7-C and 20-9-28-5-C (the Property) in the original amount of \$400,000.00.

3. The mortgage of Movant constitutes a valid lien against the property, prior and superior to any right title, lien, estate, or interest of the Debtor or Estate.
4. Pursuant to the terms of the Mortgage, and the accompanying Note the Debtors were obligated to make monthly mortgage payments at the time of the bankruptcy filing in the amount of \$1,605.99 representing principal and interest.
5. The Debtors are in default and are currently due for the July, 2019 payment.
6. Movant is receiving no adequate protection payments.
7. The current amount due on the mortgage is \$241,815.45 and the amount past due is \$14,132.72.
8. Movant has cause to have the automatic stay terminated as to permit Movant to proceed with state court remedies against the Property.
9. Movant specifically requests permission from this Honorable Court to communicate with the Debtor and Debtor's counsel to the extent necessary to comply with applicable non-bankruptcy law.
10. Movant requests that the Court waive Rule 4001(a)(3), permitting Movant to immediately implement and enforce the Court's Order.

WHEREFORE, Movant, Hometown Bank of Pennsylvania, respectfully requests that after notice and hearing, the Court grant relief from the Automatic Stay Provisions of 11 U.S.C. 362 by terminating same and direct the Trustee herein to abandon the mortgaged property as authorized by 11 U.S.C. 554 so as to permit the Movant, its successors or assignee's, to foreclose on its mortgage or take any other legal or

consensual action enforcement of its right to possession of, or title to the real estate located at 3871 Cove Mountain Road, Martinsburg, PA 16662 consisting of two tax parcels having map numbers 20-9-7-C and 20-9-28-5-C (such actions may include but are not limited to the signing of a deed in lieu of foreclosure or entering into a loan modification agreement); to allow the purchaser of said premises at Sheriff's Sale (or purchaser's assignee) to take any legal or consensual action for enforcement of its right to possession of, or title to, said premises; and to grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

Kaminsky, Thomas, Wharton, Lovette & Vigna

By: /s/ Leonard P. Vigna
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